

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH M. WALLS,	§
	§ No. 486, 2011
Plaintiff Below,	§
Appellant,	§ Court Below–Superior Court of
	§ the State of Delaware in and for
v.	§ New Castle County
	§
MICHAEL LITTLE, PERRY PHELPS,	§
and JOHN and/or JANE DOES 1-5,	§
	§
Defendants Below,	§ C.A. No. 10C-06-146
Appellees.	§

Submitted: February 3, 2012

Decided: April 23, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**O R D E R**

This 23<sup>rd</sup> day of April 2012, upon consideration of the appellant's opening brief, including the permissive writing submitted on March 7, 2012,<sup>1</sup> the appellees' motion to affirm,<sup>2</sup> and upon *de novo* review of the record,<sup>3</sup> the Court has determined that the Superior Court did not err when dismissing the appellant's complaint for failure to state a claim upon which

---

<sup>1</sup> See Del. Supr. Ct. R. 15(a)(vi) (providing that "[a] party may, by letter to the Clerk, bring to the Court's attention pertinent cases decided . . . after the case is under submission for decision"). The Court notes that the case submitted by the appellant was decided *before* this case was submitted for decision.

<sup>2</sup> Del. Supr. Ct. R. 25(a).

<sup>3</sup> *Furman v. Delaware Dep't of Transp.*, 30 A.3d 771, 773 (Del. 2011) (quoting *Ramirez v. Murdick*, 948 A.2d 395, 399 (Del. 2008)).

relief could be granted.<sup>4</sup> We further conclude that the Superior Court's judgment should be affirmed on the basis of, and for the reasons stated in, the court's orders dated August 15, 2011.<sup>5</sup>

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

---

<sup>4</sup> Del. Super. Ct. Civ. R. 12(b)(6).

<sup>5</sup> *Walls v. Little*, 2011 WL 5288871 (Del. Super.); *Walls v. Little*, 2011 WL 5289010 (Del. Super.).